

LASSEN COUNTY LOCAL AGENCY FORMATION COMMISSION

66 N. Lassen St. Susanville, CA 96130

SPECIAL MEETING

Monday, June 7, 2021

Meeting called to order at 3:00 p.m.

Members present: Kevin Stafford, Mendy Schuster and Chris Gallagher. Absent: Hemphill and Eid.

Staff Present: John Benoit, Executive Officer and Ruth McElrath, Building Permit Technician.

**Correspondence:** Mr. Benoit gave a brief presentation regarding Calafco Awards.

**Approval of April minutes** Motion by Commissioner Stafford, second by Commissioner Schuster to approve the April 12 minutes. Motion carries: Ayes: Stafford, Schuster and Gallagher. Absent: Hemphill and Eid.

**Public Comment:** None

**Public Member and Public Member Alternate Recruitment**

Mr. Benoit explained that Chair Eid's term is expiring and was advertised in the newspaper and various other places. Mr. Eid responded, and his letter was in the board packet. He stated that there is an alternate vacancy and Mandy Smith applied in the Fall 2020. Mr. Benoit stated he sent an email asking if she was still interested, but he never received a response.

Commissioner Gallagher stated he was comfortable with appointing Mr. Eid and holding off on the alternate vacancy.

Motion by Commissioner Schuster, second by Commissioner Stafford to appoint Mr. Eid to a four-year term. Motion carries. Ayes: Schuster, Stafford, and Gallagher.

**Discussion with Fire Agencies regarding fire services going forward in Lassen County**

Mr. Benoit explained LAFCo's role is to do changes of organizations and service review on the fire districts' capabilities. There are various alternatives on how to manage fire districts, many of which were formed in the 1940s and 1950s. He continued there is a lot of fear about LAFCos consolidating fire districts, but LAFCo does not have that power, the people have the power in the vote.

He continued there are various types of associations that fire districts may have, such as a joint power authority for EMS, which is the most common. Mr. Benoit said he has worked with a few cities who have JPAs with adjacent fire districts, which is one alternative.

One advantage is there is only one board of directors, one disadvantage is there is a perception you lose local control, but it depends on how the fire districts are organized.

Mr. Benoit stated a MSR was done for Lassen County and LAFCo took the position that while the districts are small, they're independent, and in remote areas, it is hard to have a large fire protection district. He further explained LAFCo suggested that one of the adjacent fire districts take over Herlong, but no one was interested, and as a Public Utility District, Herlong recently formed its own fire department several years ago.

He added that he has done quite a few consolidations because the people and boards of directors wanted it, forcing the issue would be futile. They are also inundated with a tremendous number of state laws and if anyone read the grand jury report on the Standish-Litchfield Fire Department, the grand jury did a good job listing all of them.

Commissioner Gallagher stated the discussion came up after doing a review for the Spalding/Stones MSR and Paul Smith, of the Standish-Litchfield Fire Protection District, suggested there was a need for a county-wide fire department.

Michael Patrick, a public member, asked who would make the decision for getting the item on the ballot. Mr. Benoit explained the process which would include each districts' board of directors passing a resolution, filing an application and business plan with LAFCo, noticing other county agencies, holding a public hearing for the Commission to review. If more than 1000 voters and properties are involved, a protest hearing is set and there requires 25 percent of the registered voters to cause an election.

Mr. Benoit also said another way to consolidate fire districts is if 25 percent of the registered voters file an application with LAFCo, however, it is very expensive and time consuming.

Mr. Smith provided a brief narrative regarding the consolidation going on with Eastern Plumas County's fire districts.

Mr. Gallagher asked Mr. Smith to elaborate on why he brought the recommendation to the board.

Mr. Smith explained volunteers go up and down and all the fire districts have an opportunity to make money. If the money were put into the County coffers, there could be an opportunity to hire several full-time firefighters. Some outlying districts may suffer, whether training, grant writing, and equipment, but Mr. Smith they would have help and there are still things that would benefit those districts.

There was general discussion regarding noticing and Mr. Benoit stated notices have to be published in the Modoc Record since the local newspaper is no longer open.

Tony Shaw, Assistant County Administrator Officer, explained a person can ask the elected body to send a notice of the regular, special and emergency agendas and the clerk of that body is obligated to send an agenda to that person.

Sandy Raffleson, of the Herlong Public Utility District, provided a scenario of what a consolidation would look like if several fire district boards signed resolutions. While the process can get quite hairy, there could be benefits. She continued that if Herlong were to lose its Fire Department, it would lose Prop. 218 funding. People don't like paying more taxes but having a fire department also helps the ISO rating, which helps property insurance.

Commissioner Gallagher told the audience that hopefully that was enough information they could bring back to their boards.

### **Continued Workshop regarding the Spalding and Stones-Bengard Service Review and Sphere of Influence Update**

Mr. Benoit stated both districts provided responses to the draft MSR, and the purpose is to discuss the payment of medical calls when one district goes into another district.

Bob Larivee, Stones-Bengard Vice Chair, cited a list of concerns he had with the report and provided some recommendations. He stated that the recommendation for consolidation would be counter-productive, and he would like to see it removed.

Mr. Benoit said it is a service review of the service district and not the extemporaneous stuff.

Commissioner Gallagher explained he was the general manager for two community services districts and it's that person's responsibility to review the report and correct any inaccuracies.

Martin Balding, former Stones-Bengard General Manager, said he did receive a copy of the report, marked it up and returned it to the board prior to his retirement.

Ken Coffey, of Spalding, stated it is not their intent to infringe or combine fire personnel and he wants to make sure their partnership remains open and helping each other with fire coverage.

Cheryl McCormick, Stones-Bengard president, also provided a few clarifications.

Ryan Barney, Stones-Bengard Fire Department Assistant Fire Chief, explained they have a very small fire department with six volunteers. He opened dialogue with Spalding as they are neighbors in a remote area and they intend to move forward in acting as neighbors.

Cliff Spediacci confirmed the dialogue with Stones-Bengard, and offered to help them anyway they can.

Commissioner Gallagher said the matter came up because LAFCo had received complaints about Spalding responding to calls in Stones because there was no one trained to respond. These special districts have difficulty getting money to respond out of their area especially as far as Stones is from Spalding. The discussion about consolidation had more to do about costs and getting some reimbursement.

Mr. Balding stated it's extremely challenging, with state mandates, rules and regulations it is impossible to operate in this county with the funds we have and actually meet every legal requirement, but we need to meet the public needs as best we can. He thanked Spalding for all the times it showed up to help. The goal is to serve the community to the best of our ability.

Kay Orring, a former Stones Bengard board member, also provided some comments regarding the report. She added she thought it would be difficult to combine the fire districts without first separating out the service district which provides wastewater.

**Public hearing 2021-2022 LAFco budget.**

Mr. Benoit explained there were no changes from the proposed budget and final notices were sent to the City and County. The only change is a \$20 decrease in Calafco dues.

Public hearing opened at 4:30 p.m.

No comments.

Public hearing closed at 4:31 p.m.

Motion by Commissioner Schuster, second by Commissioner Stafford to approve the 2021 budget. Motion carries: Ayes: Schuster, Stafford, and Gallagher. Absent: Hemphill and Eid.

**Authorize payment of claims for April and May 2021**

Motion by Commissioner Hemphill, second by Commissioner Schuster to approve claims for April and May 2021. Motion carries: Ayes: Schuster, Stafford and Gallagher. Absent: Hemphill and Eid.

**LAFCo 101 – All about LAFCo – Part 1**

The matter was tabled.

**Executive Officer’s Monthly Report**

Mr. Benoit stated there are LAFCo files that need to be scanned and purged and there is money in the budget for it.

He provided an update on the case San Luis Obispo v. Pismo Beach. He explained LAFCo will not be able to use the indemnity clause anymore because there is legislative authority to do that. The Supreme Court is determining if it will review it and it puts a stay on it. Lassen LAFCo doesn’t have a reserve fund to it wouldn’t get through a year of litigation.

There was a brief discussion regarding where to hold LAFCo meetings. Commissioners were in favor of moving to City Council Chambers.

**Commissioner Items:** None

Meeting adjourned at 4:35 p.m.

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Chris Gallagher, Commissioner

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Ruth McElrath, Building Permit Technician

Approved \_\_\_\_\_

